

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KARL JULIUS JAMES,

Plaintiff,

**Case Nos. 97-C-367
97-C-512**

-vs-

GARY R. McCAUGHTRY,

Defendant/Respondent.

DECISION AND ORDER

Karl Julius James is a repetitive filer of frivolous pleadings and lawsuits in this judicial district. In 1997, in Case No. 2:97-CV-367-RTR, the Court entered a *Mack* order against Mr. James. *See Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995). The order directed the clerk to return unfiled any papers submitted to this District by or on behalf of Mr. James, with certain enumerated exceptions, one of which is the filing of a petition for habeas relief. Now before the Court is James' motion to lift this filing bar.

In the years since the Court's initial *Mack* order, James continued to inundate this Court, and other branches of this judicial district, with frivolous filings. For example, in 2007, James filed six motions in a habeas action that was closed ten years earlier, *James v. McCaughtry*, Case No. 2:97-CV-512-RTR, "all in a vain attempt to either re-open [the] case or to disqualify the presiding judge." D. 41. The Court warned James that he would be sanctioned if he continued to file frivolous pleadings. Despite that warning, James recently

filed a “Motion for Court to decide application to proceed in forma pauperis and to determine jurisdiction in the above enlisted action” in that case. In 2007, James also filed a separate action that was docketed as a habeas petition, *James v. Thurmer*, 1:07-CV-735-WCG. Judge Griesbach dismissed that petition on initial review. James proceeded to file numerous motions, including a motion to disqualify. Once again, these motions were dismissed as frivolous and James was warned to stop filing frivolous motions.

Accordingly, since the Court’s original *Mack* order, James continued his pattern of (1) filing a frivolous pleading; (2) receiving a negative decision; and (3) filing a motion to disqualify the judge who issued the decision. Under these circumstances, the Court sees no justification to lift the *Mack* order. If anything, James’ most recent filings give the Court occasion to refine and reinforce the restriction. Repeated filings in closed habeas cases should not be excepted from the filing bar, and James should be barred from filing repeated habeas petitions which relate to non-custodial state actions. *See Montgomery v. Davis*, 362 F.3d 956, 957-58 (7th Cir. 2004).

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

1. James’ motion to lift the filing bar [D. 81 in Case No. 97-C-367] is **DENIED**;
2. James’ motion to decide application and determine jurisdiction [D. 42 in Case No. 97-C-512] is **DENIED**;

3. James is barred from filing any further cases or documents in this judicial district. The Clerk of Court is directed to return unfiled any documents or legal actions from Mr. James, with the following exceptions.

- any habeas corpus claim alleging that James is being detained or held in an institution against his will and in violation of his federal or constitutional rights;
- any papers filed in a purely defensive mode in an action where James is cast as a defendant or a respondent;
- any case in which James alleges that he is in imminent danger of serious physical harm from prison authorities or other prisoners; and
- any papers seeking to or related to an appeal in this action (Case No. 2:97-CV-367).

4. If the Clerk of Court is unsure as to whether any future filing falls within the foregoing exceptions, it **SHALL** refer the filing to this Court for a preliminary review;

5. The Court imposes a fine of **\$200**, payable to the Clerk of Court for the Eastern District of Wisconsin

6. No sooner than two years from the date of this Order, or upon James' payment of the \$200 fine, whichever is later, James may file a request with this Court for relief from this Order. Any such submission must state why lifting the order would be appropriate. James must also provide (under oath) a complete list of all of his federal suits and proof that all of his financial obligations with respect to these suits have been met.

Dated at Milwaukee, Wisconsin, this 23rd day of February, 2010.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
U.S. District Judge